

October 6, 2020

NOTICE OF PROPOSED RULE

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-102.201

RULE TITLE: Rule Notices

PURPOSE AND EFFECT: To change the name of the rule, to clarify language, and to amend rulemaking authority and laws implemented citations.

SUMMARY: Rulemaking is necessary to amend the rule to change the title, clarify language regarding what constitutes rule notice and how such notices will be made available to inmates, to remove duplicative statutory language, to require that notice be provided to inmates housed in any confinement or management status that would prevent an inmate from accessing the institutional library or administrative office, and to amend the rulemaking authority and laws implemented citations.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE

RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the SERC or, if no SERC was required, the information expressly relied upon and described herein: The Department used an itemized checklist to conduct an economic analysis and determine if there would be any adverse impact or regulatory cost associated with this rule that exceeds the stated criteria. Upon review of the proposed rulemaking, the Department determined that the amendments will not exceed any one of the economic analysis criteria in a SERC as set forth in s. 120.541(2)(a), F.S.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 944.09 F.S.

LAW IMPLEMENTED: 120.54, F.S.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED

AND ANNOUNCED IN THE FAR.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Paul A. Vazquez, Assistant General Counsel, 501 South Calhoun Street, Tallahassee, Florida 32399, paul.vazquez@fdc.myflorida.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

Substantial rewording of Rule 33-102.201, F.A.C., follows. See Florida Administrative Code for present text.

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33-102.201 Rule Notices.

(1) Notices of the development, proposed adoption, proposed amendment, or proposed repeal of a Department rule will be provided to affected persons as required by Sections 120.54(2) and (3), F.S.

(2) Notice will be provided by:

(a) Publishing in the Florida Administrative Register all required Notices of Rule Development prior to the publication of any related Notice of Proposed Rule.

(b) Publishing in the Florida Administrative Register all Notices of Proposed Rule at least 28 days before the Department's intended action.

(c) Publishing in the Florida Administrative Register all Notices of Change at least 21 days before the Department's intended action.

(d) Posting all published Notices of Rule Development, Notices of Proposed Rule, and Notices of Change on the Department's public website.

(e) Posting a memorandum within three business days of notice publication on all inmate bulletin boards at all state correctional institutions, private correctional facilities, annexes, work camps, road prisons, and work release centers informing inmates that published Notices of Rule Development, Notices of Proposed Rule, or Notices of Change are available for review in the institutional library or administrative office.

(f) Circulating a copy of published Notices of Rule Development, Notices of Proposed Rule, and Notices of Change within three business days of publication among the inmates housed in any confinement or management status that has restricted inmate movement that would prevent an inmate from accessing the institutional library or administrative office.

Rulemaking Authority 944.09 ~~120.54(3)(a)~~ FS. Law Implemented 120.54 ~~120.54(3)(a)~~ FS. History—New 10-8-76, Amended 5-2-85, Formerly 33-12.01, Amended 8-13-97, Formerly 33-12.001, Amended 7-17-08,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Lance E. Neff, General Counsel

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Mark S. Inch, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 16, 2020

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: July 31, 2020